

1. (Amended) An adhesive article comprising:
a facestock having a front surface and a back surface;
a continuous layer of adhesive having an upper surface and a lower surface and end edges, wherein the upper surface of the adhesive is adhered to the back surface of the facestock; and
a pattern of non-adhesive material forms that provide air egress, wherein the non-adhesive material forms are embedded into the upper surface of the adhesive layer, each of said non-adhesive material forms having a top surface, wherein the top surfaces of the non-adhesive material forms are even with or below the plane of the upper surface of the adhesive layer.

REMARKS

Applicant responds to the Office Action of September 11, 2002, in which claims 1-29 and 32-95 are pending in the application. Claims 53-74 have been withdrawn from consideration.

The Examiner has restricted the claims in the present application under 35 U.S.C. §121 as follows:

- Group I. Claims 27-29 and 32-52, drawn to an adhesive article with non-adhesive material embedded below the adhesive surface by ink printing, classified in class 428, subclass 343.
- Group II. Claims 75-95 drawn to an adhesive article with non-adhesive material embedded flush or below the adhesive surface by sputtering or vacuum deposition, classified in class 428, subclass 343.

The Examiner has stated that the inventions are distinct because the adhesive articles of Group I and Group II have acquired a separate status in the art because of their recognized divergent subject matter. Applicant respectfully traverses the restriction requirement and requests reconsideration of the restriction requirement.

The adhesive articles of Group I and Group II both include a facestock adhered to an adhesive layer, wherein the adhesive layer has non-adhesive material forms embedded in the adhesive layer. The adhesive articles of Group I and Group II are both classified in

class 428, subclass 343. Furthermore, there is no different field of search for the adhesive articles of Group I and of Group II. With regard to the Examiner's contention that the adhesive articles have acquired separate status in the art, the Examiner has provided no evidence of such separate status. Because the Examiner has not met his burden of showing grounds for the restriction requirement, Applicant respectfully requests withdrawal of the restriction requirement.

Rejection of Claims 1-26 under 35 U.S.C. §112

Claims 1-26 have been rejected under 35 U.S.C. §112, first paragraph, as being based on a disclosure that is not enabling. The Examiner contends that a route for air bubbles to egress is critical or essential to the practice of the invention and that this feature is not incorporated into independent claim 1, and further is not enabled by the disclosure. Additionally, the Examiner has stated that claim 1 does not appear to include any of the structures which provide either air egress, repositionability and/or slidability, and that these elements are not inherently present in the claimed genus.

Applicant has amended claim 1 to recite that the non-adhesive material forms provide air egress. Support for the amendment is found in paragraph 52 on pages 14-15, Figure 3, and elsewhere in the specification. Because the adhesive article recited in claims 1-26 is fully supported in the specification, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1-26 based on 35 U.S.C. §112, first paragraph.

Rejection of Claims 27-29 and 32-52 under 35 U.S.C. §112

Claims 27-29 and 32-52 have been rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, the Examiner has stated that it appears that claims 27-29 and 32-52 require greater than 100% of the thickness of the non-adhesive material to be embedded, and as such, are not described in the specification.

Applicant respectfully submit that the Examiner has mischaracterized the adhesive

article of claim 27-29 and 32-52. Claim 27 recites that the non-adhesive material forms are embedded into the lower surface of the adhesive layer. The bottom surface of the non-adhesive material forms are even with (embodiment shown in Fig. 1) or above (embodiment shown in Fig. 4) the plane of the lower surface of the adhesive layer. The embodiment in which the bottom surfaces of the non-adhesive material forms are even with the plane of the lower surface of the adhesive layer is described in paragraph 48, page 13 of the specification. As described in the specification, the non-adhesive material forms of this embodiment may be embedded by using pressure and/or heated rollers or a platen, or by winding the article.

The embodiment in which the bottom surfaces of the non-adhesive material forms are above the plane of the lower surface of the adhesive layer is described in paragraph 54, page 16 of the specification. As described in the specification, the non-adhesive material forms are simultaneously printed and embedded by, for example, flexographic printing. This printing technique embeds the print into the soft surface of the adhesive. The non-adhesive material forms are pushed into the adhesive so that a channel is formed in the adhesive. Because the adhesive article recited in claims 27-29 and 32-52 is fully supported in the specification, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 27-29 and 32-52 based on 35 U.S.C. §112, first paragraph.

In view of the foregoing amendment and remarks, Applicant respectfully submits that the Examiner's rejections have been overcome and respectfully requests allowance of claims 1-29, 32-52 and 75-95.

Respectfully submitted,
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APPENDIX

Following is a marked-up version of the amended claim.

1. (Amended) An adhesive article comprising:

a facestock having a front surface and a back surface;

a continuous layer of adhesive having an upper surface and a lower surface and end edges, wherein the upper surface of the adhesive is adhered to the back surface of the facestock; and

a pattern of non-adhesive material forms that provide air egress, wherein the non-adhesive material forms are embedded into the upper surface of the adhesive layer, each of said non-adhesive material forms having a top surface, wherein the top surfaces of the non-adhesive material forms are even with or below the plane of the upper surface of the adhesive layer..

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